

**Notice of Allowability**

Application No.

09/217,937

Applicant(s)

ONODA ET AL.

Examiner

Art Unit

Timothy J. Henn

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed 07 February 2006.
2. ☒ The allowed claim(s) is/are 1-23 and 25-28 renumbered in the order presented.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 February 2006 has been entered.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest a focusing device or method which divides an image into a plurality of areas, groups the divided areas into object areas using a generated focus map, determines a main object area, focuses on the main object area and changes the main object area determined by the main object area to another one of the object areas grouped by a grouping unit and focuses on the new main object area using information of the focus map.

The prior art teaches focusing systems which allow a user to select a focus area. For example, Yoshino (US 5,682,555) teaches changing an object area by cycling through predetermined object areas (Figure 6). Suh (US 6,977,687) and Ueno (US 5,625,415) both teach focus systems which allow a user to arbitrarily select a portion of the image which is to be in focus. However, these references do not make use of a

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previously obtained object area data in changing the object area which is to be focused on as claimed.

Anderson (US 5,745,175) teaches an automatic focus control system which generates a focus map for a scene (Figure 4). This focus data is then used to obtain a "best approach to focus" which is used to capture a final image (Figure 5; c. 8, ll. 41-67). However, the system of Anderson does not disclose changing a main object area as claimed. Onada (US 5,890,021), Onada (US 5,913,082), Kawabata (US 6,370,262) and Hasegawa (US 5,900,927) teach systems similar to Anderson.

Bell (US 5,103,254) and Anderson (US 5,496,106) both teach systems which determine in focus areas and out of focus areas and emphasize the in focus areas on a display to assist the user in obtaining a properly focused image (Bell, Figure 13; Anderson, Figures 8A-8D). While these systems determine focus information for the entire scene and designate areas as in-focus (i.e. a main object area) or out-of-focus (i.e. not a main object area), there is no disclosure of selecting new main object areas based on grouped object areas or focusing on a new main object area based on previously obtained focus data (i.e. the claimed focus map).

Omara (US 6,067,114) teaches a system for detecting compositional changes in a scene. The system of Omara obtains a focus map for a scene and selects a main object area (Figures 4 and 5). After a main object area is selected, the scene is monitored for changes above a threshold level (Figure 8) and if found, a new main object area is obtained and focused on (Figure 3). While similar to the claimed system, Omara obtains a new focus map and obtains new object areas from the scene after a

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composition change has been detected (Figure 3, Step S6) rather than the previously obtained focus map and object area data as claimed. Kaneda (US 5,629,735) teaches a similar system to Omara.

While the prior art teaches multiple focus systems, some of which create focus maps and select main object areas as discussed above, the claimed invention is not considered to be taught by the prior art alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

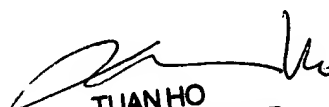
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
4/15/2006



TUAN HO  
PRIMARY EXAMINER